

**SAMPLE FORM R**

**APPLICATION FOR EXTENSION OF TIME TO FILE  
BRIEF (CIVIL CASE)**

## **APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF - INSTRUCTIONS**

If a party needs more than the 60 days already stipulated to, or if the opposing party refuses to stipulate to an extension, the party needing the extension must file an application for extension of time. The party seeking additional time must give reasons, also known as "**good cause**," why that extension is needed. (CRC rule 45.5.) You must serve a copy of your extension request on all parties (or the attorneys for represented parties). You should file an original of your extension request in the Court of Appeal, along with a proof of service. ([Sample Form C](#).) You must also provide the Clerk of the Court of Appeal with enough copies of the extension request for each party (including yourself) and stamped envelopes addressed to each party (including yourself). The Clerk will use these extra copies and envelopes to mail out the court's order granting or denying the extension request.

This form is available online in Adobe Acrobat PDF format and may be filled out electronically for free at <http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>. Select "Appellate" forms, then click on Form APP-006.

### **Filling out the Application for Extension of Time to File Brief form:**

#### **Caption**

- (1) If you are appealing a case from San Diego or Imperial County, fill out the top box of the form as follows: "Court of Appeal, Fourth Appellate District, Division One." Indicate the Court of Appeal case number and the Superior Court case number in the boxes to the right.
- (2) In the "Attorney or Party Without Attorney" area at the top of the form, fill out your name, mailing address, and telephone number where you can be reached during the day.
- (3) In the next box down, indicate your name next to "APPELLANT" and the responding party's name next to "RESPONDENT."

#### **Page 1, entries 1-8**

Entry 1. Check whether the extension is for appellant's opening brief, respondent's brief or appellant's reply brief and indicate the date the brief is due. Add the date you would like the brief to be due after the "be extended to (*date*)" language.

Entry 2. Check one of the two boxes to indicate whether or not CRC rule 17 notice has been received.

Entry 3. Check whether there have been previous extensions. If earlier extensions were received, indicate how many were granted by stipulation, how many by the court, and for each type of extension, the total number of days briefing has already been extended.

Entry 4. Check why you are unable to file a stipulation.



Entry 5. Give "**good cause**" for the extension by explaining why the extension is needed. (See CRC rule 45.5(c) for a list of the relevant factors.)

Entry 6. If a brief has already been filed, check whether the most recent brief filed was the Appellant's Opening Brief ("AOB") or the Respondent's Brief ("RB"), and give the date it was filed. If no brief has yet been filed, leave this entry blank.

Entry 7. Fill out the requested information for the length of the appellate record and the date the record was filed.

Entry 8. Leave this box blank if you are representing yourself. If you are an attorney, serve a copy of the application on your client and check the box.

Date the form at the bottom of page 1, type or print your name legibly, and sign.

## **Page 2 - Proof of Service**

Have someone over the age of 18 who is not a party to the action serve the application and fill out the Proof of Service on page 2 of the form. See instructions accompanying [Sample Form C](#).

**File:** Original with a Proof of Service on all counsel and self-represented parties (if you are an attorney, serve your client), together with copies and preaddressed, stamped envelopes for each party.

**Serve:** All counsel  
All self-represented parties  
(If you are an attorney, serve your client.)

## TO BE FILED IN THE COURT OF APPEAL

APP-006

|                                                                                                                                                                                                                |                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____                                                                                                                                                      | Court of Appeal Case Number:<br><br>Superior Court Case Number: |
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):<br><br>_____<br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): _____ | <b>FOR COURT USE ONLY</b>                                       |
| APPELLANT:<br><br>RESPONDENT:                                                                                                                                                                                  |                                                                 |
| <b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF<br/>(CIVIL CASE)</b>                                                                                                                                        |                                                                 |

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form.**

- I (name):  
request that the time to file ☐ appellant's opening brief (AOB) ☐ respondent's brief (RB) ☐ appellant's reply brief (ARB), now due on (date):  
be extended to (date):
- I ☐ have ☐ have not received a rule 17 notice.
- I have received:  
☐ no previous extensions to file this brief.  
☐ the following previous extensions:  
 (number of extensions): \_\_\_\_\_ extensions by stipulation totaling (total number of days): \_\_\_\_\_  
 (number of extensions): \_\_\_\_\_ extensions from the court totaling (total number of days): \_\_\_\_\_
- I am unable to file a stipulation to an extension because  
☐ the other party is unwilling to stipulate to an extension.  
☐ other reason (please specify): \_\_\_\_\_
- The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 45.5, for factors used in determining whether to grant extensions): \_\_\_\_\_
- The last brief filed by any party was: ☐ AOB ☐ RB filed on (date): \_\_\_\_\_
- The record in this case is:
 

|                                   | <u>Volumes (#)</u> | <u>Pages (#)</u> | <u>Date filed</u> |
|-----------------------------------|--------------------|------------------|-------------------|
| Appendix/Clerks Transcript: _____ | _____              | _____            | _____             |
| Reporters Transcript: _____       | _____              | _____            | _____             |
| Augmentation/other: _____         | _____              | _____            | _____             |
- For attorneys filing application on behalf of client:  
☐ I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 45(f)).  
 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.  
 Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:

**ORDER**

- ☐ Granted to \_\_\_\_\_
- ☐ Denied

Date: \_\_\_\_\_

(SIGNATURE OF PRESIDING JUSTICE)

Page 1 of 2

|            |              |
|------------|--------------|
| CASE NAME: | CASE NUMBER: |
|------------|--------------|

NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

### PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Application for Extension of Time to File Brief (Civil Case)* as follows (*complete either a or b*):
  - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope **and**
      - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
      - (c) Date of mailing:
      - (d) Place of mailing (*city and state*):
  - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
    - (1) Name of person served:
    - (2) Address where delivered:
    - (3) Date delivered:
    - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

|                                                                                                |  |                                                                                                    |
|------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------|
| <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME) |  | <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (SIGNATURE OF DECLARANT) |
|------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------|